

### **REMARKS**

This responds to the Office Action mailed on April 1, 2008.

Claims 1, 59, 82 and 86 are amended, claims 44 and 79 are canceled in this response with claims 9-43, 45-58, 64-78, and 80-81 having been previously canceled, and no claims are added; as a result, claims 1-8, 59-63 and 82-89 remain pending in this application. Support for the amendments may be found throughout the specification, and at least on pages 2, 6 and 8-9 of the specification. Applicant respectfully submits that no new matter has been introduced with the amendments.

### **Interview Summary**

Applicant thanks Examiner Hatem Ali and Primary Examiner Harish Dass for the courtesy of a personal interview on May 14, 2008 with Applicant's representative Rodney Lacy and Scott Schulhoff. Claim 1 was discussed with respect to movement tracking features. The Examiner indicated that amendments to the claims regarding the movement tracking feature would be considered upon submission.

### **§102 Rejection of the Claims**

Claims 1-8, 44, 59-63, 79 and 82-85 were rejected under 35 U.S.C. § 102(e) for anticipation by Kaminkow et al. (2003/0036425). Claims 44 and 79 have been canceled without prejudice or disclaimer in this response, therefore the rejection of these claims is believed moot.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *M.P.E.P* § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. V. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires

the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Applicant respectfully submits that the claims as amended contain elements not found in Kaminkow.

For example, claim 1 as amended recites “an information system communicably coupled to the network and including software operable on the system to associate location data with the reader component of each of the plurality of casino games...” Claim 59 recites the same language. Similarly, claim 82 recites “associating location data with each of a plurality of reader components in a gaming establishment having a plurality of casino games therein .” Applicant has reviewed Kaminkow and can find no disclosure of associating location data with the reader components of gaming machines in a gaming establishment.

Additionally, claims 1 and 59 as amended recite that “upon detection of the RFID tag carried by the individual, the casino games send the data from the RFID tag to the information system and wherein the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment.” Claim 82 similarly recites “recording information concerning the movement or activities of the individual in the gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment and as determined by the location data.” Thus the claims recite tracking the movements of a gaming establishment patron based on both location data for reader components and RFID data supplied by an RFID chip carried by the patron and in proximity to the reader. The Office Action states that Kaminkow, in Fig. 1 and at paragraph [0007], discloses a system to record information concerning the movement and activities of an individual in a gaming establishment. The cited section discloses a “player tracking/accounting server 120.” Applicant notes that Kaminkow, at paragraphs [0012] – [0013], describes the player tracking system as a system that “stores player tracking account records including the number of player tracking points previously accumulated by the player.” Player tracking points are different from location data. Applicant has reviewed Kaminkow and can find no disclosure of tracking the movement of a gaming establishment patron by any mechanism, and Kaminkow

clearly does not disclose the specific RFID tracking systems and methods recited in claims 1, 59 and 82.

In view of the above, Kaminkow fails to disclose multiple elements of claims 1, 59 and 82. As a result, Kaminkow does not anticipate claims 1, 59 and 82. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 59 and 82.

Claims 2-8 depend either directly or indirectly from claim 1, claims 60-63 depend either directly or indirectly from claim 59 and claims 83-85 depend from claim 82. These dependent claims are therefore not anticipated by Kaminkow for at least the reasons discussed above regarding their respective base claims.

#### §103 Rejection of the Claims

Claims 86-89 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaminkow in views of Bradford et al. (6,709,333). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made

explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

Claim 86 recites ““associating location data with each of a plurality of reader components in a gaming establishment having a plurality of casino games therein .” and further recites “associating location data with each of a plurality of reader components in a gaming establishment having a plurality of casino games therein .” As discussed above, Kaminkow fails to teach or suggest either of these recited elements. Further, Applicant has reviewed Bradford and can find no teaching or suggestion of associating location data with a RFID reader and using the location data and RFID data to track movements of a gaming establishment patron. Therefore the combination of Kaminkow and Bradford fails to teach or suggest multiple elements of claim 86. Thus there are significant differences between claim 86 and the cited references. As a result, claim 86 is not obvious in view of the combination. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 86.

Claims 87-89 depend from claim 86 and therefore inherit the elements of claim 86 in addition to providing further patentable distinctions. Claims 87-89 are therefore allowable for at least the reasons discussed above regarding claim 86. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 87-89.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6954 to facilitate prosecution of this application.

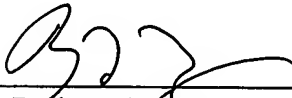
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date October 1, 2008

By



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**CERTIFICATE UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this \_\_1st\_\_ day of October 2008.

Rodney L. Lacy  
Name

  
Signature